

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**DAVID BOLTON**

**Plaintiff,**

**v.**

**LOUISVILLE LADDER, INC. f/k/a  
LOUISVILLE LADDER GROUP, LLC,**

**Defendants.**

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**NO. 2-08CV-209-J**

**DEFENDANT, LOUISVILLE LADDER, INC.'S MOTION  
TO EXCLUDE THE TESTIMONY OF STANLEY KISKA**

**NOW INTO COURT,** through undersigned counsel, comes Defendant, Louisville Ladder, Inc. ("Louisville Ladder") which respectfully submits this Motion to Exclude the Testimony of Stanley A. Kiska, P.E. ("Kiska"), the liability expert designated by Plaintiff, David Bolton. As discussed more fully in the accompanying Brief in Support, Plaintiff has failed to establish that Kiska's testimony meets the requisite standard of reliability necessary for expert testimony to be admissible.

Respectfully submitted:

/s/ Francis H. Brown, III, Esq.

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**COUNSEL FOR DEFENDANT,  
LOUISVILLE LADDER, INC.**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on July 6, 2009 I conferred with John Turner, attorney for the Plaintiff (the party affected by the requested relief) regarding the foregoing motion. The foregoing motion is opposed and agreement cannot be reached due to disagreements regarding factual and legal issues relating to the testimony in this case of Stanley Kiska, the plaintiff's expert.

*/s/ Francis H. Brown, III*

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Francis H. Brown, III

**CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2009 I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the following:

John G. Turner, III  
Mullin Hoard & Brown, L.L.P.  
P.O. Box 31656  
Amarillo, Texas 79120-1656  
*Counsel for Plaintiffs*

/s/ Francis H. Brown, III  
Francis H. Brown, III

I also hereby certify that on July 9, 2009 I have served a copy of the foregoing pleading on counsel for all parties to this proceeding by placing the same in the United States Mail, properly addressed and first-class postage prepaid as follows:

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/s/ Francis H. Brown, III  
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